

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING**

**November 15, 2011**

The regular session of the Auburn City Planning Commission was called to order on November 15, 2011 at 6:00 p.m. by Chairman Snyder in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Spokely, Vitas, Young & Snyder

**COMMISSIONERS ABSENT:** Worthington

**STAFF PRESENT:** Will Wong, Community Development Director  
Lance E. Lowe, AICP, Associate Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

January 18, 2011  
May 3, 2011

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING ITEMS**

- A. REZONE – 461 GRASS VALLEY HIGHWAY (H&R BLOCK) – FILES # RE 11-11.** The applicant requests approval of a Rezone for a ±1.2 acre office complex located at 461 Grass Valley Highway. A Rezone is proposed from the Office Business (OB) Zone to a Regional Commercial (C-3) Zone, which would allow additional uses to be located within the office complex.

Planner Lowe gave the staff report, summarizing the project and additional uses that could be located in the office complex should the Re-zone be approved by the City Council.

The public hearing was opened with no parties wishing to speak.

Commissioner Spokely asked if a business license is requested for a retail use would parking be reviewed at that time?

Planner Lowe responded that parking would not be reviewed because the City's parking standards do not vary by use. Retail businesses and professional offices are both commercial uses and require the same parking standards.

Commissioner Vitas asked if an auto body or repair shop wanted to occupy a tenant space would they be allowed?

Planner Lowe responded that such a use would require a Use Permit to be approved by the Planning Commission. Findings for approval of a use permit are whether or not the use is compatible with the neighborhood. Additionally, environmental review would be conducted to ascertain the environmental impacts related to the proposed use.

Commissioner Spokely asked about by right uses that are permitted in the zone.

Planner Lowe replied that an auto body or repair shop is not a by right use in the zone and is a discretionary use that could be denied if the Planning Commission concluded, at a public hearing, that the use was either incompatible or would have environmental impacts to the neighborhood.

Commissioner Vitas **MOVED** to recommend that the City Council approve the Rezone as proposed.

Commissioner Spokely **SECONDED** the motion.

AYES:	Spokely, Vitas, Young & Snyder
NOES:	None
ABSTAIN:	None
ABSENT:	Worthington

The motion was approved

- B. GENERAL PLAN AMENDMENT, REZONE, USE PERMIT & TREE PERMIT – 209, 211 & 215 BROOK ROAD (EL TOYON INSTITUTE, LLC.) – FILES # GPA 11-1; RE 11-1; UP 11-1 & TP 11-1.** The applicant requests approval of a General Plan Amendment, Rezone, Use Permit, and Tree Permit. The GPA would change the land use from Urban Low Density Residential (ULDR) to Open Space (OS) and change the zoning from Residential, Single-Family, minimum parcel size of 10,000 square feet to Open Space Conservation (OSC). The Use Permit would allow for mediation, training and fundraising events in the Open Space Conservation (OSC) Zone. A tree permit is required as the amount of encroachment exceeds 20% of the trees' protected area.

Planner Lowe gave the staff report, summarizing the General Plan Amendment, Rezone, Use Permit and Tree Permit for El Toyon, LLC.

The General Plan is proposed to be amended from Urban Low Density Residential (ULDR) to Open Space (OS).

A Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) is also proposed. In the Open Space Conservation (OSC) zone, “Charitable, Research, and Philanthropic Institutions” and “Unique privately-owned facilities and historic sites” are permitted with approval of a Use Permit in accordance with *Section 159.405 et seq.* of the Auburn Zoning Ordinance.

The proposed use permit includes, and is limited to, the following uses:

*Mediation:* Mediations shall be limited to two mediations a day (8 people per session), operating week days between the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

*Mediation Training:* The existing garage conversion to a class room for *Mediation Training* is limited to 30 students. Class instruction shall be limited to 40 times during the year from 8:00 a.m. to 5:00 p.m. Thursday through Saturday. Instruction shall be limited to *Mediation Training*.

*Fundraising:* Fundraising Events shall be limited to 4 outdoor fundraising events per year for local non-profit and governmental projects only. Fundraising events shall be limited to a maximum number of 70 persons, including event staff. Events shall be limited to weekends (i.e. Friday night, Saturday), with the event terminating at 10:00 p.m. All music sources shall be limited to the rear ¼ of the property.

A tree permit is required for any regulated activity within the critical root zone of a protected tree where the encroachment exceeds 20% of the critical root zone, or where the regulated activity is related to a discretionary permit.

Planner Lowe described the improvements that would be undertaken to accommodate the proposed above uses, including access, parking, drainage, lighting and landscaping.

Planner Lowe discussed the proposed environmental issues including Biological Resources and Parking. Mitigation Measures have been imposed to reduce potential impacts on Biological Resources and Parking.

Planner Lowe also discussed the consistency with the General Plan and Zoning. The project is preserving a ±2 acre property that has a house which is a locally recognized and nationally designated historic property in the City. The project is consistent with the General Plan policies, goals and objectives for preservation of open space and historic properties.

Chairman Snyder clarified that all items being considered before the Planning Commission tonight will have to go before the City Council at a later date.

Planner Lowe replied that both legislative and discretionary actions are being considered tonight and will require City Council approval.

Commissioner Young asked about Open Space and Open Space Conservation (OSC) zoning and what may be conducted on the property.

Planner Lowe replied that if the use permit was approved, the use permit would allow for mediation, mediation training, and fundraising as described in the project description and conditions of approval.

Commissioner Young asked about sale of the property and status of the use permit.

Planner Lowe replied that the use permit would run with the land and any subsequent owner would have right to uses permitted by right in the Open Space Conservation Zone and uses prescribed in the use permit. No other uses are permitted.

Commissioner Vitas asked about the existing zoning and what could be done with the existing zoning.

Planner Lowe responded that based upon the property(s) size alone additional homes could be constructed on the site; however, the historic landmark on the property would have to be considered.

Chairman Snyder asked about a Planned Unit Development for the property.

Planner Lowe replied that a Planned Unit Development could be considered along with a Tentative Subdivision Map and that protection of the house and clustering of dwellings could be a consideration.

Commissioner Spokely asked about the Open Space General Plan designation and Open Space Conservation Zone and purpose of those uses.

Planner Lowe replied that the Open Space General Plan designation and Open Space Conservation Zone are for the purpose of preserving open spaces and the protection of human and his or her artifacts (buildings, property, and the like).

Commissioner Spokely asked why only 1 of the 3 parcels are being proposed for the general plan amendment and rezone to open space.

Planner Lowe replied that the historic house is located on the open space property and staff did not have any issue with leaving the other two properties residential.

One property is undeveloped and the other property is proposed to contain a parking lot.

Commissioner Spokely asked about the multifamily property to the south of the applicant's property. Was that a Planned Unit Development?

Director Wong replied that a Planned Unit Development was approved for the multifamily dwellings to the south.

Commissioner Spokely asked about requirements that no loud sources are permitted on the property and noted that the environmental review stated that no loud noise sources would be allowed.

Planner Lowe replied that condition of approval No. 5 limited the events to the weekends, with the event terminating at 10:00 p.m. and limited music to the rear ¼ of the property.

Commissioner Spokely noted that the parking lot would be treated with BMP's to assure stormwater quality.

Commissioner Spokely asked about whether or not painting of the exterior building would require Historic Design Review Commission approval considering the structure is a designated Historic Site.

Commissioner Spokely asked if El Toyon was a non-profit organization?

Planner Lowe replied that the applicant Shawn Batsel provided information to staff confirming El Toyon's non-profit status.

Planner Lowe replied that the property is not located within the City's Historical District and would not be subject to the City's Historic Design Guidelines.

Chairman Snyder noted that other requirements are in place because the property has been listed as a National Historic Landmark.

Chairman Snyder asked about the property with the proposed parking lot. Why is the parking lot property not proposed to be changed to Open Space and Open Space Conservation?

Planner Lowe referred the question to the applicant.

Chairman Snyder asked about the permitted uses in the Open Space Conservation (OSC) Zone. How does this qualify as a permitted use pursuant to "Charitable, Research and Philanthropic Institutions and Unique privately-owned facilities and historic sites?"

Chairman Snyder noted that the site is unique privately owned and has a historic house on the property, but questioned how the proposed uses of mediation, mediation training and fundraising qualify as “Charitable, Research and Philanthropic Institutions”? Fundraising seems to qualify but how does mediation and mediation training qualify?

Planner Lowe replied that the applicant is a non profit organization that will be providing mediation and mediation training, which is intended to benefit the community providing a charitable service.

Chairman Snyder again questioned how the mediation use qualifies as a charitable use?

Director Wong clarified that the mediation use would have to be a non-profit organization and fundraising events would be for non-profits and government events solely per Condition of Approval No. 5.

Chairman Snyder asked about fundraising events for their mediation?

Director Wong replied that if it was for a non-profit, it would be a use that would be permitted.

Chairman Snyder noted that he just wanted to make sure that the Planning Commission does not approve a use that hordes would attend.

Director Wong noted that with the non-profit status and historic site, that is nationally designated, there was adequate justification to recommend approval of the proposed Open Space Zone designation and approval of the use permit.

Director Wong also noted that the applicant wanted to pursue this use in the R-1 zone and staff’s position was that such a use was not appropriate for the R-1 zone. The only options for the applicant are to change the designation to Open Space Conservation (OSC) or Multi-family (R-3).

Director Wong also noted that staff supported the project because of the Open Space zoning request because the Open Space Zone is the most restrictive zone. It limits the uses and precludes uses that could otherwise be allowed under the current R-1 zone.

Chairman Snyder asked if someone could still live in the house?

Director Wong replied that yes, someone could live in the house.

Director Wong noted that staff would only support this use with the Open Space designation.

Commissioner Young asked about the change in occupancy of the garage. Can you change the occupancy of the garage in the Open Space Zone?

Planner Lowe noted that the occupancy is a building classification and if the mediation training use is determined to be compatible with uses in the Open Space Zone and is approved, then the building occupancy would have to comply with the building use category of the building code.

Director Wong noted that the uses are very specific in the Open Space Zone and the Open Space Zone is the most restrictive zone in the City. Conditions of Approval have been imposed to assure that all issues are addressed for the proposed uses.

Chairman Snyder asked if this is left residential, could they have as many parties as they wanted?

Director Wong noted that there is no limitation on the number of parties you can have at your house.

Chairman Snyder asked who came up with the number of fundraisers?

Planner Lowe replied that it was the applicant's proposal.

Chairman Snyder noted that 4 fundraisers are not very many.

Chairman Snyder asked about parking and vehicle trips and what would the parking and vehicle trip requirements would be if this site was developed with residential units.

Planner Lowe replied that 2 parking spaces are required for each dwelling unit and generally 10 vehicle trips are estimated with single family dwellings according to Institute of Traffic Engineers (ITE) standards. Based upon the property size, an estimated 10 dwelling units could be constructed on the property.

Chairman Snyder noted that development of the project could result in an estimated 100 vehicle trips if the property were to be developed for residential uses.

Commissioner Spokely noted this is assuming a PUD on the property.

Chairman Snyder asked what the parking and vehicle trips are with this project.

Commissioner Spokely noted that there are 70 vehicle trips for mediation, 90 vehicle trips for mediation training and 56 vehicle trips for fundraising events.

Planner Lowe noted that there is an error in the estimates and they should be 35 for mediation, 45 vehicle trips for mediation training and 56 vehicle trips per day for fundraising events.

Chairman Snyder asked what was the most intense vehicle trip use?

Planner Lowe indicated that fundraising events are the most intense vehicle use proposed with an estimated 56 vehicle trips per event.

Chairman Snyder noted that is less than if the site was built out with residential uses.

Director Wong noted that with the two property(s), which each could accommodate 2 additional dwelling units on the property(s), would equate roughly to the anticipated trip generation rates anticipated with the proposed project.

Commissioner Spokely asked about the parking lot parcel that has the Oak Tree on it and asked if the applicant has access to the parking lot property?

Planner Lowe responded that the applicant already has an easement for access and has submitted a road maintenance agreement for the access. The access and road maintenance agreement was ratified as part of the previous lot split for the property.

Chairman Snyder noted that the access serves the apartment complex as well.

Planner Lowe replied yes and noted that it was his understanding that the parking lot property was purchased from the apartment complex owner Mr. Roumage.

Commissioner Spokely asked about the off site parking that has been identified for the proposed special fundraising events that will occur 4 times a year. Commissioner Spokely noted that the off site parking lot proposed is located across town on Nevada Street.

Planner Lowe replied that the applicant has secured a tentative lease of a church parking lot located at 460 Nevada Street.

Commissioner Spokely asked who would enforce this parking requirement. Would Auburn PD monitor this parking requirement to ensure that patrons do not park in the streets surrounding the site?

Director Wong noted that he recommends that the Mitigation Measure regarding off street parking include additional language regarding the off-street parking.

Commissioner Spokely noted that he finds it hard to believe that patrons from the project area would park 2 miles away from the site to attend an event that is in closer proximity to their home.



Director Wong replied that the applicant had the option to either provide parking on-site or the applicant can provide a site off-site subject to the Community Development Department's review and approval.

Director noted that they currently have identified the Nevada Street parking lot; however, the site is subject to the Community Development Department's review and approval.

Director Wong again noted that he recommends the following verbiage be added to the off-street parking Mitigation Measure to clarify the requirement.

"Applicant shall be responsible to ensure that all patrons/students/users of the site shall park their vehicles on-site. No parking shall be permitted upon the public streets".

Commissioner Spokely asked who would monitor the requirement?

Director Wong replied that if the City received a complaint about the off-street parking from the neighbors, the city will send someone out to investigate. If a license number is identified, city staff will forward the license number to the Police Department for verification.

Director Wong noted that it is not un-typical to impose such parking requirements on use permits. The applicant is responsible to ensure that off-street parking is provided and that no patrons park on the street.

Director Wong noted that the number of people have been limited for fundraising events and there is enough room on-site to accommodate the number of patrons proposed and again noted that it is the responsibility of the applicant to ensure that all patrons park on-site.

Chairman Snyder noted that the enforcement of the parking condition is revocation of the use permit should violations persist.

Director Wong replied that if violations occurred staff will convene a hearing to revoke the use permit.

Chairman Snyder responded that he drives through this neighborhood all the time and rarely are there people parking on the street so there should not be any problem with identifying the parking violators.

Commissioner Spokely asked if the use permit was revoked, would people still be allowed to live on the property in the Open Space Zone?

Director Wong noted that there are 2 houses on the property and both could be occupied in the Open Space zone.

Director Wong also noted that if an application were to be submitted back to residential, staff would likely support such a request.

Commissioner Young asked about the logistics of the parking program.

Director Wong replied that with any notification of a fundraising event, patrons would be directed to an off site location where they would be shuttled to and from an event.

Commissioner Spokely asked about the five parking spaces proposed to be donated by the adjoining property owner Mr. Roumage.

Planner Lowe replied that the offer was part of a correspondence received on the project prior to the Planning Commission hearing and that staff had not analyzed the request.

Commissioner Spokely asked about the conversion of the use of the existing house and whether or not that required the retro-fit of sprinklers?

Planner Lowe noted that the project has been circulated and reviewed by the Fire Chief and retro-fit of fire sprinklers is not required since they are not adding any square footage to the building.

Chairman Snyder opened the public hearing and requested the applicant to address the commission and present any information for consideration.

Terry Batsel owner of the El Toyon property addressed the commission and thanked the commission for their volunteer efforts and thanked staff for their assistance. Mrs. Batsel also thanked all the neighbors for their time and consideration of their project.

Mrs. Batsel noted that the meeting tonight is regarding the preservation of a historic Auburn property and to allow a purpose of a low impact non-profit mediation center and training center.

Mrs. Batsel noted that over the past 2 years, 16 meetings were held to collaborate and the result was that a majority of those persons consulted liked the proposed mediation use over the alternative uses allowed in the current residential zone (Mrs. Batsel provided an exhibit showing resident locations who were in favor of the project).

Mrs. Batsel noted that as a result of the meetings with concerned neighbors they agreed to move the parking lot to the rear of the property. They have also added screening landscape plantings and have agreed to provide additional matching lighting fixtures and timers and agreed to the off street parking requirements. Most

importantly we agree to a voluntary 2 year review of the use permit by the City Mrs. Batsel stated.

Mrs. Batsel noted that on Friday she recently learned that neighbors had engaged an attorney and are opposing their request. Mrs. Batsel noted that they have taken these letters very seriously and hope acceptable solutions can be generated at the meeting tonight.

Chairman Snyder asked Mrs. Batsel what does the voluntary 2 year review mean to you?

Mr. Henry Batsel replied that they have agreed to the voluntary review in 2 years to satisfy the neighbors concerns about the facility. Mr. Batsel noted that he does not anticipate any issues with the facility and has no objections to a public hearing in 2 years to discuss the operations of the facility.

Chairman Snyder asked if staff was aware of the 2 year review.

Planner Lowe replied staff had been informed about a discussion between the neighbors about a 2 year review.

Chairman Snyder asked Planner Lowe what he thought that meant?

Planner Lowe replied that the 2 year review would be an overview of the conduct of the business with respect to compliance with the Conditions of Approval, if approved. Planner Lowe further explained that he does not foresee the 2 year review to be a revocation of the use permit provided the applicant complies with the Conditions of Approval.

Chairman Snyder noted that is will be just a review of the Use Permit.

Planner Lowe replied yes.

Chairman Snyder asked about the purple dots on the exhibit that Mrs. Batsel presented.

Mr. Batsel noted that the exhibit is a map showing the location of residents that supported the proposed mediation facility.

Mr. Batsel noted that they had many public meetings to discuss the project and several people in the vicinity are in support of the project.

Commissioner Spokely asked the Batsel's to describe the proposed mediation use. According to the staff report there are to be 2 mediations per day, correct?

Mr. Batsel described the proposed 2 mediation sessions per day.

Commissioner Spokely asked if there will be any one living at the facility?

Mr. Batsel replied that there will not be anyone living at the facility; not at the main house anyway. There may be a care-taker living in the cottage; however, that is not financially feasible at this time considering the low revenues, which would be generated from mediation. Mr. Batsel noted that the average number of mediations per year, according to the National Association of Mediations, is 70 mediations per year. Money will probably be made with mediation training not mediations because free mediations will be given to those with limited incomes.

Mrs. Batsel also noted that they hope to get nationally renowned instructors to come to the facility whom may stay on the property for a couple of days, while instructing.

Commissioner Spokely asked are people coming from across the country to stay at the property or will people come to the facility in the morning and leave in the afternoon?

Mrs. Batsel replied that the only people who might stay there is an instructor who lives out of town. Rather than stay at the Holiday Inn, the instructor may stay on the property for a couple of days.

Mr. Batsel continued that people staying on the property would interfere with the 2 mediation sessions.

Commissioner Spokely clarified that the proposal is not to have people stay on the property during their mediation sessions?

Mrs. Batsel replied no.

Commissioner Spokely asked if there are any conditions of approval that protect against living on the property?

Director Wong noted that staff analyzed the project as a single family dwelling, with mediation and mediation training and calculated the parking requirements for each. Staff does not have an issue with someone living on the premises while mediations occur. To try to write a condition of approval to disallow people living in the house would be difficult to enforce Director Wong stated.

Commissioner Spokely agreed but wanted to make sure that this did not turn into something different than what is being described.

Director Wong noted that if it turns out that mediation does not occur, we can not deny the use of the single family dwelling in the Open Space (OS) Zone. It is a permitted use.

Commissioner Spokely asked if ten kids were to stay on the property for mediation sessions, would the City have the legal recourse to revoke with use permit?

Planner Lowe noted that the use of mediation is as described in the project description with 2 mediations per day with a total of 16 persons. Any mediation use beyond that is not permitted.

Mr. Batsel noted they do not have the space to have someone live on the property while mediation is occurring.

Commissioner Spokely asked if the applicant would be willing to place all of the properties into Open Space?

Mr. Batsel asked what would be the purpose of putting all of the properties into Open Space?

Director Wong noted that the property to the north is only included because of the boundary line adjustment.

Commissioner Spokely asked why the boundary line adjustment is being considered?

Mr. Batsel replied that the boundary line adjustment is being considered for two reasons: 1) The neighbors to the east bought the property and were told that the property line went to a certain location and when the property was surveyed, the property line was in a different location than what they had understood. The property is oddly configured, with an 18 foot access to the property, so the boundary line adjustment would allow a property exchange with the neighbors to give them better access; 2) The other reason is to expand the flat tennis court area of the larger property to allow for a garden area in the future.

Commissioner Spokely asked about the result of the boundary line adjustment. Will the resulting lot remain residential?

Mr. Batsel noted that they would like to plant a garden on the reconfigured residential property in the future.

Commissioner Spokely asked if any mediation uses are being proposed for the reconfigured property?

Planner Lowe noted that the proposed uses are not to take place on the reconfigured property and it was only mentioned because they are planning to reconfigure the property.

Commissioner Vitas noted that in reading some of the letters of opposition that there was a concern that participants involved in mediation may be angry due to divorce, and there may be a problem.

Mrs. Batsel replied that these are not the types of clients that would be using the facility. Mrs. Batsel noted they have a great interest in protecting their property. They have taken many pains to make it a beautiful place. That type of mediation can be handled by the Placer Dispute resolution services.

Mrs. Batsel noted that they will be pre-screening anyone wanting to use their services.

Commission Spokely asked if the Batsel's were involved in mediation themselves?

Mr. Batsel replied that he is a carpenter by trade, but they are both trained as mediators.

Commissioner Young asked where do the clients come from; do they look up the facility in the yellow pages? How do people schedule a mediation session?

Mr. Batsel replied that their church has committed to ten mediations per month.

Mr. Batsel noted that they don't know if they could handle ten mediations per month initially.

Commissioner Young asked if they would be handling court ordered mediation?

Mr. Batsel replied only if the parties voluntarily wanted to use their mediation services.

Commissioner Young noted that the people that are there are going because they want to be there and it will not likely be a hostile environment.

Commissioner Young asked about the mediation training of 40 days per year or 10 times per quarter. Commissioner Young asked if mediation training were a one day event?

Mr. Batsel replied that typically mediation training would be a one day event. Special trainings may be scheduled for multiple days.

Commissioner Young noted that the meditation training is limited to 30 persons.

Commissioner Young asked about the fundraising events and what types of non-profit organizations are anticipated to hold events at the facility.

Mr. Batsel noted there will be no events on Sunday.

Mrs. Batsel noted that they have held an event “Wine for Wheel Chairs” event. Mrs. Batsel also noted they may have an event for the boys and girls club.

Commissioner Young asked if they are currently doing mediation on the property?

Mr. Batsel replied no.

Commission Young noted you have had fundraisers on the property.

Mr. Batsel replied yes, one fundraiser.

Commissioner Young asked what benefit do you see to the neighbors?

Mr. Batsel noted that they could put a number of residential units on the property that would have a lot of traffic and people on the street. Mr. Batsel also noted that they are preserving the historic nature of the property which will reduce the impacts across the board in comparison to the current residential zoning.

Mr. Batsel noted that eventually, they plan to employ a few people such as caterers, etc.

Mrs. Batsel added that it’s a historic residence and if the property was every sold, it could be sold to a developer who had development of the property in mind.

Mrs. Batsel noted that in order to preserve the property it needs a purpose and we believe this was a low impact use. The property sits between an R-3 property to the north and apartments to the south.

Commissioner Young noted that the house would still be there if the mediation center did not exist.

Mr. Batsel replied that any house; even a house on the National Register could be demolished.

Chairman Snyder discontinued the meeting for a five minute break.

Chairman Snyder reconvened the meeting at 7:54 p.m.

Chairman Snyder re-opened the public hearing.

Lydia Jones who resides at 480 Foresthill Avenue addressed the commission. Mrs. Jones has lived in the community for the last 27 years and has known Terry Batsel for almost 20 years. Mrs. Jones works for the school district and stated that the Batsels have been involved in philanthropic endeavors over the years and have

given up their time and money for various fundraisers in the community. Mrs. Jones noted that her husband and she are both in favor of the project.

Pam Richards of 345 Marvin Way address the commission. Mrs. Richards noted her property is within 30 feet of the property. Mrs. Richards noted she is one of the concerned neighbors who have retained an attorney. Mrs. Richards noted that her attorney submitted correspondence dated last Friday requesting a continuance based upon two grounds: First, their attorney has just been retained and has not had adequate time to review the environmental document; Secondly, proper notice was given; however, the review period for the notice was not adequate pursuant to the CEQA Guidelines. Mrs. Richardson noted that her first request is that the hearing be continued to allow her attorney to respond to the environmental document.

Chairman Snyder replied that the Planning Commission will not make a decision to continue the hearing but will take the continuance request under advisement.

Maureen Murphy of 110 Channing Way addressed the commission and noted that she is not particularly opposed to this type of project, charitable and philanthropic endeavors are great, but is opposed to this project in a residential neighborhood.

Ms. Murphy noted that she is concerned about safety in the neighborhood. The intersections in the neighborhood are not very safe. There are no sidewalks in the neighborhood that connect to downtown and children walk in the streets. Mrs. Murphy noted that she has concerns about a commercial business located in the neighborhood which will bring additional traffic from persons who don't live or know the neighborhood.

Mr. Scott Birk who resides at 110 Channing Way addressed the commission and had concerns about the project. Mr. Birk was surprised to hear the Batsels held 16 meetings to discuss this project. Mr. Birk has lived at the Channing Way residence since 2007 and was not invited to any meetings regarding this project. Mr. Birk questions the community involvement that has occurred.

Mr. Birk has concerns about event parking and it appears that the neighbors would have the responsibility of calling the police to enforce the parking on the streets.

Mr. Birk also noted he is also unsure about the logic of the proposal as it appears that there is unlimited commercial opportunities in town and why questioned why it needs to be located in this residential neighborhood.

Mr. Birk also wondered who the mediation customers are going to be? Mr. Birk is concerned about who is coming into the neighborhood.

Mr. Birk noted he has heard the Batsel's cite a litany of benefits to the neighborhood, but has heard one, two or three benefits cited tonight. Mr. Birk



noted that there is currently no impact to the neighborhood. The property is beautiful and has no impact to the neighborhood.

Mr. Birk noted that he believes that the project would affect his neighborhood adversely.

Pam Richards of 345 Marvin Way re-addressed the commission and passed out her written presentation to the commission.

Mrs. Richards noted her concerns primarily had to deal with the legal concerns that were presented by their attorney. Mrs. Richards noted that she likes the quality of life of her residential neighborhood the way it is.

Mrs. Richards noted that over the past 2/12 years the applicant has been seeking approval of this mediation center and on October 15,, 2009, Lance Lowe from the City of Auburn wrote to the applicant and quoted: "...the City Attorney has confirmed that the Community Development Department's determination that the proposed mediation center is a commercial use of property that is not permitted or conditionally permitted in the residential, single family zone". Mrs. Richards asked what has changed? Does calling the use charitable, research and philanthropic institutions or its non-profit status mean that if neighbors establish a non-profit commercial entity, cleverly charactering it charitable, research, and philanthropic, pay ourselves huge salaries, buy boats and cars, take expensive vacations, just so long as we do not make a profit, and hold a few fundraisers, does this mean this is an allowed use?

Mrs. Richards noted that this project will set an unfortunate precedence, so when the next applicant comes along with a similar project, it will be consistent with existing land use policies.

Mrs. Richards noted that the environmental document fails to evaluate incompatible land uses and land use conflicts. By having the property re-zoned to Open Space, it is not consistent with the residential neighborhood. The fact that it borders Open Space to the east fails to consider the existing development of the site. The findings in the staff report are flawed and are not supported by substantial evidence in the written record. Mrs. Richards noted that any action by the commission would be premature at this time since the Commission will be hearing from their attorney with respect to a more thorough investigation of the environmental document.

Mrs. Richards commends the Batsel's for trying to preserve the historic property as a historic resource; however, it is unfair to ask the neighbors to bear the burden of a significant use change in order to support another property owners personal and financial decision. Mrs. Richards noted that she is not opposed to the Batsel's mediation center but is opposed to this location. The Batsel's have other opportunities to establish their mediation center.

Mrs. Richards noted for the record that she shares the neighbor's positions that the neighbors will be discussing addressing such issues as noise, safety, lighting, parking lot, etc.

Gene Maynard of 10915 Sluice Box Circle addressed the commission. Mr. Maynard noted that he is the Senior Pastor of the Bayside Church in Auburn. Mr. Maynard noted that when he heard about El Toyon's intent to establish a mediation center, he fully supported such a facility. Mr. Maynard noted that the content and course offerings that El Toyon is excellent. Mr. Maynard has worked with the Batsel's to offer training for individuals in the church and approximately 20 persons have shown interest in the facility, all of whom reside in the community.

Mr. Maynard noted that the location of the property is excellent for a mediation center. The beauty and serenity of the property is well suited for mediation and resolution.

Dory Granier residing at 291 Russell Road addressed the commission.

Mrs. Granier noted that she had lived in the neighborhood and had the opportunity of care for the home and noted that the Batsel's have gone to great lengths and expense to restore the property.

Mrs. Granier is familiar with mediation and believes that it will be a benefit to the community.

Mrs. Granier asked why would the Batsel's preserve the property as they have for so many years and then invite unfavorable characters into the home?

Mrs. Granier also noted that the intersection fronting the home is a very strange corner but could be mitigated by the City. If houses were to be constructed on the property, additional traffic beyond the existing use would be generated.

Jamie Teichert, resident of New Castle, addressed the commission and is opposed to the mediation center, but wanted to acknowledge what the Batsel's have done with the property and what others have said about the Batsel's character. Mrs. Teichert noted that this is not about the Batsel's character or being opposed to mediation or their vision; it is specifically about the location of the proposed facility.

Mrs. Teichert noted that she and her husband are currently looking to purchase a home in the area and if a commercial business were to be approved for this neighborhood, they would definitely cause them to reconsider purchasing a home in this neighborhood.

Mrs. Teichert noted that the Batsel's do not reside in the neighborhood nor does anyone else that supports the project. Mrs. Teichert would like to hear from members of the neighborhood that are in favor of the mediation center.

Phillip Booker, resident at 190 Channing Way addressed the commission. Mr. Booker noted he met Terry Batsel at the time she purchased the home approximately 15 years ago. Mr. Booker noted that the house at the time was kind of a mess and Terry performed an elegant and proper restoration using old historic photographs. Mr. Booker continued that he and his wife are very happy that Terry had purchased the property and not a developer. The end result is a beautiful historic home in a park like setting. The Batsel's have done more for the neighborhood and property values than any other homeowner.

Mr. Booker noted that the Batsel's have opened up their home to many neighborhood events such as birthday parties and Easter egg hunts and even a memorial for a passing neighbor. Terry was also gracious enough to hold a Rotary "Wine for Wheelchairs" event.

Mr. Booker continued that as far as parking goes, if large numbers of people attend these events, there may be some parking issues; however, there are more parking issues associated with Friday's High school football games than you will ever have with an event at the Batsel's.

Mr. Booker noted that he does not believe that this change will have a deterrent influence on the neighborhood. Mr. Booker believes this use will be primarily transparent. A few mediations a day and a little heavier traffic four times a quarter will not be a traffic or noise burden to the neighborhood. Mr. Booker noted that we have more noise from fast Friday's and the football games than you will get from the facility.

Mr. Booker concluded that the biggest traffic problem is on the weekend of the Western States 100 with the race coming up Robie Point.

Brian O'Brian of 180 Brook Road introduced himself and thanked the commissioners for their volunteer work and thanked them for their thoughtful line of questioning. Mr. O'Brian also acknowledged the Batsel's as truly wonderful people, great community members, whom own a beautiful property.

Mr. O'Brian noted that we have all purchased homes in residential neighborhoods with residential zoning with the expectation that it will remain residential. Mr. O'Brian asked the Commission to consider carefully if such a use were to be proposed next to your home. Mr. O'Brian noted that those closest to the facility are those who will be impacted the most and are the ones most outspoken against the project. Mr. O'Brian concluded that protecting the rights of those most impacted should be considered.

Mrs. Lydia Jones of 315 Marvin Way addressed the Commission. Mrs. Jones noted that there is a bus stop by her house and her kids are picked up and dropped off every day. Mrs. Jones noted she has boys and they ride their skate boards and bikes down the driveway into the street; often times without looking. Mrs. Jones commended the Batsel's for what they want to do, but does not want the facility in here neighborhood. Mrs. Jones noted that there probably won't be a lot of traffic, but these people don't know the neighborhood.

Christine Liesky of 240 Placerado addressed the Commission and noted that she is in favor of the project. Ms. Liesky noted that residents of the neighborhood have had the luxury of the house being vacant; however, as the owner concedes, continuing to maintain the home, without a plan to sustain itself, it is prohibitive. Ms. Liesky noted she hopes that the Council has the foresight to allow for a use instead of allowing the property to be sold and developed with many more residential homes resulting in much more traffic.

Laurie Meadows of 205 Brook addressed the Commission. Mrs. Meadows noted that she appreciates the efforts that the Batsel's have taken to try to mitigate any concerns that she has. Mrs. Meadows appreciates the efforts that the Batsel's have put forth; however, Mrs. Meadows noted that the project works for the house and works for the Batsel's, but does not think it works for the neighbors and opposes the project.

Ms. Meadows noted there will be a loss of privacy, especially with the trainings. Ms. Meadows did not realize the number of times and number of people attending the trainings until recently. Ms. Meadows discussed this with the Batsel's and we believe that there are too many people and too many cars resulting from the project and will be a decrease in the quality of life for the neighborhood.

Mary Kozak resident of 105 Channing Way addressed the Commission. Ms. Kozak noted that the property is beautify and thanked the Batsel's for that. Ms. Kozak's concerns are safety and privacy. Ms. Kozak's property is directly across the street and it is where people will be slowing down to make the left hand turn to enter into the property with blind intersections and has concerns about the additional traffic on the Brook Rd. neighborhood, particularly by those that are not familiar with the area.

Ms. Kozak noted she has lived in the neighborhood for more than 10 years and loves the neighborhood and wants to preserve the neighborhood and keep it residential.

Joanne Walder residing at 205 Brook Road addressed the Commission. Ms. Walder noted that the Batsel's are good people, good neighbors and good friends. Ms. Walder noted that over the last several years, the project has grown into a larger commercial endeavor. Ms. Walder has concerns that, like any business, the

business will have to grow to sustain itself. Ms. Walder has concerns about how the project will grow and/or change over the years.

Ms. Walder noted that she has researched mediation and conflict resolution and dispute resolution were common terms describing mediation. Ms. Walder read about angry people on the verge of litigation going to mediation and learned that not all mediation centers have the same clientele. Ms. Walder noted that the Batsel's have stated they will not be accepting court ordered mediation clientele, such as those that need to go to mediation for minor crimes. Ms. Walder noted that we can all agree that such a facility would not be compatible with a residential neighborhood. However, is there anyway that the permit could be limited to ensure that these types of clients will not be served. Ms. Walder does not see how the permit could be limited to a type of clientele and she is concerned with that.

Ms. Walder is also concerned about traffic on the s-curve between Brook Road and Marvin Way. The curve is a dangerous curve because it is very difficult for cars to see. Ms. Walder is very concerned about the noise generated from 30+ people talking during breaks. Not just conversational talking, but people talking over one another, voices being raised. The decibel level is not what an initial study may project for this type of event.

Ms. Walder noted that she does not believe that there is adequate off-street parking for the facility. Ms. Walder commends the Batsel's for acquiring additional parking at a local church; however, there is no guarantee that patrons will utilize this facility to be shuttled over. From experience at the fair grounds, we know that people like to park close to the event in stead of being shuttled over.

Ms. Walder also noted that the night time lighting and about how tall the lighting will be and the brightness. Ms. Walder noted that there is no documentation on what the lighting hours would be and how bright it would be on people in the apartments. Ms. Walder is concerned about setting a precedent about establishing a commercial business in the residential zone. Ms Walder asked, could this commercial business be located elsewhere and the revenues generated help with the upkeep of the house?

Ms. Walder noted that she has been told by numerous people that such a facility would bring down the property value of the neighborhood.

Ms. Walder also has concerns that should the property be sold, the use permit would run with the land and there is no guarantee that any subsequent owner would have the same clientele as the Batsel's.

Ms. Walder has a concern about the 30 person vocational school parking ratio used. With a vocational school, not everyone starts and stops at the same time. This use is more like a seminar in which people arrive at the same time and leave at the same

time. Ms. Walder noted that when she looked at carpooling statistics on-line an estimated 10 percent of people carpool nationwide.

Ms. Walder is concerned about the aesthetics of widening the driveway along Brook Road and the parking of cars in the driveway.

Nancy Odom of 110 Marvin Way addressed the Commission. Ms. Odom noted she is in support of the rezoning of the property. Ms. Odom noted that this project is a good fit with the neighborhood because it is in close proximity to the Highland Hospital property with multi dwelling units on both sides of the property.

Judy Melack resident of 265 Marvin Way addressed the Commission. Ms. Melack believes that a commercial business in a residential neighborhood will lower the neighborhood home values.

Ms. Melack notes that there are a lot of children, runners and others that use the neighborhood and has not noticed much traffic resulting from the 100 mile race. Ms. Melack recalls when the "Wine for Wheelchairs" event took place and people parked throughout the neighborhood. Ms. Melack did not complain at the time and understands if people have parties once in a while; however, four events per year seems like a lot.

Ms. Melack also notes that with 30 students coming in the morning and leaving at lunch and then leaving at the end of the day, 120 vehicle trips would be generated, that seems like a lot of traffic.

Art Melack resident of 265 Marvin Way addressed the Commission. Mr. Melack questioned the project and wanted to know what they are doing and how they will be using the property and how it will impact the neighbors. Mr. Melack questions the Open Space Zoning and the appropriateness of the use in the Open Space Zone.

Mr. Melack asked about the narrow driveway which goes back to the proposed parking lot and the potential for people parking in the driveway.

Mr. Melack also had concerns about the number of neighbors opposing the project.

Mr. Melack also had concerns about safety of children in the neighborhood and the compatibility of the use with the residential neighborhood.

Susie Booker resident of 190 Channing Way addressed the Commission. Ms. Booker noted that she and Terry Batsel walked the neighborhood to consult with neighbors regarding the project. Ms. Booker noted that prior to Terry purchasing the property, the house was in shambles. Today it is a wonderful residence and looks beautiful.

Gary Ransom resident of 165 Terrace addressed the Commission. Mr. Ransom noted that he did not know the applicants but does know that there are a lot of people in the neighbor that are not at the meeting and don't care if the facility goes in. Mr. Ransom noted that the neighbors most outspoken about the facility are those that live closest to the property. Mr. Ransom also noted that statements that the neighborhood is against the project are not correct. The neighbors closest the property are against the project. There is a much larger neighborhood that is not against the project.

Mr. Ransom also noted that if this does not go through and the property owner comes back to the Planning Commission with a 10 lot development, it is only a matter of time before the property is developed. Mr. Ransom noted that the people living close by will be less happy with a 10 unit development than what the applicant is proposing.

Mr. Ransom understands that the neighbors are unhappy with the changes, but the changes are going to occur either way. Next door to the north is the old Highland Hospital and apartments are located to the south as well, so the eventual development of the property will happen with the current zoning.

Carmel Lipsmeyer resident of 175 Ruby Street addressed the Commission. Ms. Lipsmeyer noted that change is hard for the neighbors, but change is inevitable. Ms. Lipsmeyer believes that the project will preserve the neighborhood.

The applicant Henry & Terry Batsel re-addressed the Commission to respond to concerns expressed.

Mr. Batsel noted that the width of the access for the parking lot is on the plans and is 20-22 feet.

Mr. Batsel also noted that widening of the access was to accommodate the fire department for access; however, in speaking with Mark (Fire Chief), widening is not required, so we would rather not widen the driveway. It is noted as tentative on the plans.

Mr. Batsel noted that he does have options for the property. If it were to be fully developed for residential use, there would be nine times the traffic with nine times for risk to neighborhood children.

Mr. Batsel notes that he agrees with the neighbors concerns about the safety at the corner. Mr. Batsel noted that due to the neighboring property owner's landscaping at the intersection, it obscures the views of drivers coming around the corner. Mr. Batsel notes that people cross the yellow line to cut the corner and he has almost been hit himself.

To improve the visibility of the corner, Mr. Batsel made an offer to fix the landscaping on the neighbors property located at 345 Marvin Way.

Mr. Batsel wanted to thank all those in favor and those opposing the project.

Commissioner Young asked what notification process occurred over the last several years?

Mrs. Batsel replied that she prepared fliers with name, phone number and meeting dates and walked the neighborhood on three separate occasions. The meetings were held at the house. Mrs. Batsel also noted that she had separate meetings with individual neighbors that were concerned the most. These meeting were held at the house as well. Mrs. Batsel noted that in total 16 meetings where held.

Commissioner Spokely asked about the rezoning of the two of the three parcels. Commissioner Spokely wanted the applicant to explain how these properties would be segregated from the mediation uses?

Mr. Batsel replied that he is requesting a rezone on the 211 Brook Road property of 1.97 acres that will be re-configured with a boundary line adjustment. On the east side there is another property that a house could be built on.

Commissioner Spokely noted that it appears that the boundary line adjustment is reconfiguring property to coincide with existing improvements, so they are on the same property.

Mr. Batsel described the boundary line adjustments and noted that all of the proposed improvements are existing and are currently located on the main property.

Commissioner Spokely questioned whether or not the resulting two properties were being left in the residential zone, so that houses could be constructed on them.

Mr. Batsel replied that if the mediation facility did not happen, then he would likely build a house on each of the lots and come back with subdivision plans to build on the larger property.

Mr. Batsel noted that he is a builder by trade and is familiar with the building industry, but he bought the property specifically to save the property so that nobody would develop the property.

Commissioner Spokely asked if Mr. Batsel would be willing to rezone the other properties to Open Space as well.

Mr. Batsel asked what would be the objective, even if the properties were rezoned to Open Space, a single family dwelling could be constructed on the property.



Commissioner Spokely questioned whether or not those properties are part of the project.

Mr. Batsel replied that those properties are not part of the project.

Commissioner Young asked if the parking lot property is proposed to be rezoned to Open Space?

Mr. Batsel replied that the parking lot is not going to be rezoned to Open Space.

Commissioner Young asked why this property is not going to be rezoned to Open Space since its part of the mediation project?

Mr. Batsel replied that it was not required by staff and there was no incentive to rezone the other properties to Open Space. Mr. Batsel also noted that placing the parking lot on this property was to accommodate the neighbors.

Commissioner Young noted that they have no concern with the parking, but believes that the entirety of the mediation site should be in the Open Space.

Mr. Batsel replied that if the mediation facility went defunct then the parking lot would be in Open Space.

Director Wong noted that staff looked into the zoning issue and staff did not see a reason why these other properties should be in the Open Space. The parking lot property goes together with the mediation center with the use permit.

Commissioner Spokely asked if the property was to be zoned to Open Space, could they still built a home.

Director Wong noted that in the Open Space zone they could still build a house on the property.

Chairman Snyder noted that the mediation center would need to cease.

Director Wong replied that the parking lot and mediation facility go together with the use permit.

Chairman Snyder closed the public hearing and dis-continued the meeting for a 5 minute recess.

Chairman Snyder re-convened the meeting at 8:45 p.m.

Chairman Snyder re-convened the Planning Commission public hearing and asked Director Wong what are the actions that the Planning Commission may take?

Director Wong replied that the Planning Commission can recommend approval or denial of the project to the City Council or continue the hearing.

Chairman Snyder asked what are the arguments for continuance other than allowing the attorney additional time to review the project?

Director Wong noted that according to the City Attorney, there are no concerns with Mr. Moose's letter that would prevent the Planning Commission from moving forward with the project tonight.

Chairman Snyder clarified that by moving forward tonight, there would be no harm due to the attorney's alleged flaw in the CEQA process.

Director Wong replied that is correct.

Chairman Snyder asked what would be gained by continuing the process to another date?

Director Wong replied that continuing the public hearing is up to the Commission, but staff would request that if the Planning Commission continued the project, they continue the project to a date certain.

Director Wong noted that there are people that would like a continuance.

Director Wong noted that if the applicant and neighbors want to work together, in good faith, to resolve some of the neighborhood concerns and there was a willingness by both parties to resolve these issues, than continuance would be acceptable. If the people who are opposed to the project will continue to be opposed and there is no willingness for negotiation, than a continuance does not seem necessary.

Chairman Snyder noted that in addition to allowing the attorney additional time to respond a continuance would allow the applicant and neighbors additional time to negotiate.

Director Wong replied that he did not hear that from the applicant and neighbors tonight.

Director Wong further noted that if the Commission wanted to continue the item solely based upon the attorney's letter, that the City Attorney has advised staff that the Planning Commission can move forward tonight on the project.

Commissioner Spokely asked for clarification about the attorney's letter and noticing guidelines in accordance with CEQA.

Director Wong replied that the City has complied with the noticing requirements of CEQA.

Commissioner Young noted that if there is no continuance tonight, all parties will have the opportunity to address these issues at the City Council.

Director Wong noted that the General Plan Amendment and Rezone need City Council approval.

Director Wong noted that prior to City Council consideration; staff would rather have these issues negotiated and resolved, if possible.

Director Wong noted that if the Planning Commission takes action tonight, the applicant and neighbors will still have the opportunity to resolve some of the issues before the City Council meeting.

Commissioner Young asked Director Wong about the 2 year review.

Director Wong replied that he has drafted a condition for the Planning Commission, if desired.

Director Wong read the condition of approval as follows:

“Two years from the date of approval the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission, the city can proceed with revocation of the Use Permit.”

Director Wong noted that in the 2 year review, if the Planning Commission found enough evidence to initiate revocation proceedings, than another hearing would be scheduled to consider revocation of the use permit. The Planning Commission could not just revoke the Use Permit in 2 years automatically.

Chairman Snyder noted that additional conditions, if necessary, could be imposed at the 2 year review to address any issues that may occur.

Director Wong noted that if there are any issues with the facility, staff could initiate revocation of the use permit at any time.

Chairman Snyder noted that revocation hearings are very rare because there is so much at stake for the applicant/owner of the use permit.

Chairman Snyder noted that the applicant has already agreed to the 2 year review in their presentation.

Commissioner Spokely appreciated the public testimony tonight on a decision that has the potential to affect a neighborhood. The concerns that he has articulated tonight remain. Commissioner Spokely noted that the home is beautiful and the fact that the property owner placed the property on the National Register further demonstrates that the owner wants to preserve the property.

Commissioner Spokely also notes that there are no guarantees that the property will remain. The property could develop in the future and ten homes could be constructed; there are no guarantees on the status of the property.

Commissioner Spokely however, noted concerns about setting a precedent by the Planning Commission making a recommendation to the City Council that the Planning Commission has found a way to shoehorn a commercial use in the residential zone by rezoning property to Open Space. Commissioner Spokely noted that if the rezone was to a commercial zone, then the neighborhood would know what they would be getting with the rezone.

Commissioner Spokely noted that the mediation center would be good in any community. The property would be a great fit for such a facility; however, the location is right in the middle of a residential neighborhood.

Commissioner Spokely appreciated the neighborhood outreach and the measures that the applicant has taken to consult with the neighbors. However, I am not in favor of a commercial business to be located in the residential neighborhood stated Mr. Spokely.

Commissioner Spokely noted that the people that are the most against the project are those that live closest to the project; the neighbors that will be impacted the most.

Commissioner Vitas noted that he drives by the house everyday on the way to work.

Commissioner Vitas has concerns about a business located in a residential setting and emphasizes with the neighbors.

Commissioner Vitas noted that he lived in the Robie House for a while and with respect to noise, the high school football games, Fast Fridays and the trains in town, are so loud they seem like they are in your living room.

Commissioner Vitas noted that the Batsel's have been stewards of their property and down zoning the property will provide some protections.

Commissioner Vitas noted that the traffic and noise analysis appear to be adequate and alleviate the issues and if there are any problems with the use, the ability to revoke the use permit is available.

Commissioner Young noted that someone tonight asked the Planning Commission if they would like this project in their neighborhood?

Commissioner Young noted that change is difficult. Planning Commission decisions like these are very difficult because they will affect a neighborhood.

Commissioner Young noted that the property is beautiful and that the applicant has have done a wonderful job working with the neighbors.

Commissioner Young noted that there were comments that the property would develop with 10 homes if some use is not approved for the property and commented that he does not want 10 homes in the neighborhood, but does not want his decision to be based upon the threat of that occurring.

Commissioner Young notes that the intersection is not very good and that there is a blind corner. With respect to parking, there should not be any issue with parking except 4 times per year. However, parking should not be an issue stated Commissioner Young.

Commissioner Young noted that mediation is a wonderful business and has had a number of dealings with mediation in his line of work. However, the mediation center should be located in this residential neighborhood stated Commissioner Young.

Chairman Snyder noted that the Planning Commission members are not elected officials and are appointed by the City Council who will have to make the tough decision regarding this project.

Chairman Snyder noted that he has been in land development business for 30 years and there is certainly a possibility that 10 homes could be built on the property. Chairman Snyder noted that we have an unbelievable property owner that has the interest, time and money to perform a perfect restoration on the house.

Chairman Snyder noted that the applicant has tried to work with the neighborhood and has been to training sessions where special conditions are imposed. The applicant will be in contact with persons coming to the facility and will be providing instruction to those that will be using the facility such as: "Do not park on the street" "Drive carefully" and "following the speed limit".

Chairman Snyder notes that his life has been in real estate and has observed countless examples where people believe things will be worse than they actually turn out. Chairman Snyder has never had a case where things are worse than peoples worse fears.

Chairman Snyder notes that the other thing that helps him support the project is the fact that it is conditional. The project will come back before the Planning

Commission in 2 years for review and can be changed. This is a special condition that is usual in land use decisions.

Chairman Snyder recalled a condominium project in his old neighborhood and had the project been proposed 15 years later the neighbors would have been upset. The condominium project was a wonderful asset to the neighborhood.

Chairman Snyder noted that he believes this will be an asset to the community and knows it will be an asset to the non-profit community, which he is involved with.

Chairman Snyder will support this on a conditional basis. This is the applicant's vision for the property and wants to preserve the property and succeed.

Commissioner Young noted that he is not against the mediation center, but has concerns about changing the neighborhood and does not think this is a proper fit for the neighborhood.

Commissioner Young noted that he would like to see the neighbors resolve their issues before this project goes before the City Council for consideration.

Commissioner Young **MOVED** to recommend that the City Council approve the General Plan Amendment, Rezone, Use Permit and Tree Permit, with the additional conditions of approval and additional vertibage to the mitigation measure that clarifies the mitigation measure as follows:

“Two years from the date of approval the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission, the city can proceed with revocation of the Use Permit.”

#### **Mitigation Measures XVI. 1**

“Applicant shall be responsible to ensure that all patrons/students/users of the site shall park their vehicles on-site. No parking shall be permitted upon the public streets”.

Chairman Snyder **SECONDED** the motion.

AYES:	Vitas & Snyder
NOES:	Spokely & Young
ABSTAIN:	None
ABSENT:	Worthington

The motion failed for lack of majority.

**VI. COMMISSION BUSINESS**

None

**VII. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A. City Council Meetings  
None
- B. Future Planning Commission Meetings  
None
- C. Reports  
None

**VIII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**IX. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**X. ADJOURNMENT**

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Lance E. Lowe, AICP  
Associate Planner